IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16972 of 2004

Between:

Banoth Balaji S/o Venkatiya
R/o Teegala Banjara (V), Konijerla Mandal, Khammam District

..... PETITIONER

AND

1 The District Cooperative Central Bank, Wayira Branch, Wayira Khammam

District rep by Manager
2 The Deputy Registrar/Officer on Special Duty District Coop. Central Bank

Ltd., Khammam
3 The Sale Officer, District. Cooperative Central Bank, Khammam,

Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the auction Notice dt 5-8-2004 in E.P. No. 50/01-02 without giving any demand notice and further action of the respondents 2 & 3 in trying to conduct auction on 22-9-2004 without considering the request of the petitioner as highly illegal arbitrary and consequentially direct the respondents set a side the same.

Counsel for the Petitioner: MR.N.M.KRISHNAIAH

Counsel for the Respondents: MR.P.M.GOPAL RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in issuing the impugned notice dated 05.08.2004 in E.P.No.50/01-02 and proposing to conduct auction on 22.09.2004, is arbitrary and illegal.

This Court by order dated 21.09.2004, directed that the proposed auction may go on, but the same shall not be confirmed.

When the matter is taken up today for consideration, it is brought to my notice that the auction was not conducted on 22.09.2004 and thereafter a fresh auction notice was issued proposing to conduct the auction on 02.11.2004. The petitioner filed W.P.No.20141 of 2004 challenging the said auction notification, however, the said writ petition was dismissed by this Court by order dated 02.11.2004. In view of the dismissal of the said writ petition, which was filed on the same grounds that were raised in the present writ petition, nothing remains for adjudication in this writ petition.

Accordingly, the writ petition is dismissed as infructuous. No costs.

03.11.2004

VGB

To

1 The District Cooperative Central Bank, Wayira Branch, Wayira Khammam

District rep by Manager
2 The Deputy Registrar/Officer on Special Duty District Coop. Central Bank

Ltd., Khammam
3 The Sale Officer, District. Cooperative Central Bank, Khammam,

Khammam District

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